

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

ANTOINE B. GAGE

PLAINTIFF

v.

No. 4:14-cv-497-DPM

**BURGER KING; FLIS ENTERPRISES, INC.;
and LISA MARTIN**

DEFENDANTS

ANTOINE B. GAGE

PLAINTIFF

v.

No. 4:14-cv-499-DPM

BURGER KING and HEATHER HILL

DEFENDANTS

ORDER

1. Gage has filed two Title VII complaints involving common questions of law and fact against two Burger King stores and related employees. He pleads sexual harassment, retaliation, and discrimination claims involving employees who've worked at both locations. Consolidation is the best way to manage the actions and promote the efficient use of the parties' and the Court's resources. Fed. R. Civ. P. 42(a). Case No. 4:14-cv-499 is consolidated with Case No. 4:14-cv-497, which shall be the lead action.

2. Gage moves to proceed *in forma pauperis*. *No 1.* He says that he has an account balance of zero, has several bills to pay, has school loans, and that

he's \$24,000.00 behind in child support payments to four of his children. Gage currently makes \$350.00 per week. Gage cannot afford to pay the filing fee. The motion, *No 1*, is therefore granted. 28 U.S.C. § 1915(a).

3. The Court must screen Gage's complaint. 28 U.S.C. § 1915(e)(2).

Gage has stated plausible Title VII claims – though they're full of irrelevant facts – upon which relief can be granted. Fed. R. Civ. P. 12(b)(6).

4. Gage's motion for appointed counsel, *No 3*, is denied without prejudice. Taking into account the complexity of the case, Gage's ability to investigate the facts, and his ability to present his claim, the Court concludes that it's too early to appoint counsel. *Stevens v. Redwing*, 146 F.3d 538, 546 (8th Cir. 1998). Gage should continue to look for a lawyer. He has sought only the assistance of Legal Aid. That's an inadequate effort. Many Arkansas lawyers are willing to pursue Title VII cases. Gage's motion for counsel, *No 3*, is denied without prejudice.

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The cases are consolidated under Case No. 4:14-cv-497. *In forma pauperis* motions, *No 1 & 1*, granted. Motions for appointed counsel, *No 3 & 3*, denied without prejudice. Gage must file information about the

registered agents authorized to receive service of process for Burger King and FLIS Enterprises, Inc. by 30 September 2014. The Court directs the U.S. Marshall to serve Martin and Hill. *See Case No. 4:14-cv-497, № 2 at 1; Case No. 4:14-cv-499, № 2 at 1.*

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

19 September 2014